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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT APPLICATION

Reissue Applicants : Stuart A. Fraser et al.  
Application No. : 09/859,661 Confirmation No.: 3933  
Filed : May 17, 2001  
For : AUTOMATED AUCTION PROTOCOL PROCESSOR  
For Reissue of  
Patent No. : 5,905,974 (Issued May 18, 1999)  
Group Art Unit : 3622  
Examiner : James W. Myhre

Hon. Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

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SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Sir:

Pursuant to 37 C.F.R. §§ 1.56, 1.97, and 1.98, reissue applicants hereby make the documents in Appendices A, B, and C of record in the above-identified patent application.

The documents in Appendix A came to the attention of reissue applicants in the litigation styled LIBERTY BROKERAGE INVESTMENT CORP., et al., v. CANTOR FITZGERALD, L.P., et al., D. Del., C.A. No. 99-522 (RRM) (hereinafter "the Cantor litigation").

The Cantor litigation involved U.S. Patent No. 5,905,974, which is the patent in reissue. The Cantor litigation commenced on August 10, 1999 and concluded on July 18,

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2000.\* During the Cantor litigation, plaintiffs asserted that the '974 patent was invalid, and unenforceable by reason of alleged inequitable conduct. Documents pertaining to these allegations are included in Appendix A.

The documents in Appendices B and C came to the attention of reissue applicants in the litigation styled eSPEED, Inc. et al. v. BROKERTEC USA, L.L.C. et al., D. Del., Civil Action No. 03-612(KAJ) (hereinafter "the eSPEED litigation").

The eSPEED litigation involves U.S. Patent No. 6,560,580, which is a division of the patent in reissue. Defendants have asserted that the '580 patent is invalid, and is unenforceable by reason of alleged inequitable conduct. Documents pertaining to these allegations are included among the documents submitted herewith. The documents in Appendix B, which pertain to the defendants' allegations, include the defendants' ANSWER AND COUNTERCLAIM, NOTICE OF SUBPOENA DUCES TECUM, and SUPPLEMENTAL ANSWERS AND OBJECTIONS TO PLAINTIFFS' FIRST SET OF INTERROGATORIES and the documents cited therein. The documents in Appendix C include other litigation documents as well as other documents that were produced by the defendants during discovery in the eSPEED litigation.

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\* In the above-captioned reissue application, applicants received an Office Action mailed on November 14, 2001, stating that the above-identified reissue application had been stayed in view of the Cantor litigation. The undersigned notified the Examiner that the litigation had concluded by submitting a Notice of Prior or Concurrent Proceedings to the Patent Office on February 21, 2002. In an Office Action mailed December 18, 2002, the Examiner acknowledged the conclusion of the litigation and reinstated the reissue application.

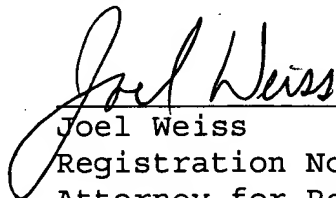
Copies of each of the documents listed above, which are also listed on the accompanying Form PTO-1449 (submitted in duplicate), are enclosed herewith.

It is respectfully requested that these documents be (1) fully considered by the Patent and Trademark Office during examination of this application; and (2) printed on any patent which may issue on this application. Reissue applicants request that a copy of Form PTO-1449, as considered and initialed by the Examiner, be returned with the next communication.

Pursuant to 37 C.F.R. § 1.97(d)(2), the Director is hereby authorized to charge \$180.00 in payment of the fee for submission of this Supplemental Information Disclosure Statement, any additional fees required in connection with this Statement, or credit any overpayment of the same, to Deposit Account No. 06-1075. A duplicate copy of this letter is transmitted herewith.

Consideration of the foregoing in relation to this patent application is respectfully requested.

Respectfully submitted,

  
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October 2, 2003

Lillian Garcia

  
Signature of Person Signing

**APPENDIX A**  
**LITIGATION DOCUMENTS**

LIBERTY BROKERAGE INVESTMENT CORP., et al., v. CANTOR  
FITZGERALD, L.P., et al., C.A. No. 99-522 RRM COMPLAINT FOR  
DECLARATORY RELIEF.

LIBERTY BROKERAGE INVESTMENT CORP., et al., v. CANTOR  
FITZGERALD, L.P., et al., C.A. No. 99-522 RRM AMENDED COMPLAINT  
FOR DECLARATORY RELIEF.

LIBERTY BROKERAGE INVESTMENT CORP., et al., v. CANTOR  
FITZGERALD, L.P., et al., C.A. No. 99-522 RRM STIPULATED ORDER OF  
DISMISSAL.

## APPENDIX B

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### LITIGATION DOCUMENTS

eSPEED, Inc. et al. v. BROKERTEC USA, L.L.C. et al., C.A. No. 03-612 (KAJ) ANSWER AND COUNTERCLAIM.

eSPEED, Inc. et al. v. BROKERTEC USA, L.L.C. et al., C.A. No. 03-612 (KAJ) NOTICE OF SUBPOENA DUCES TECUM.

eSPEED, Inc. et al. v. BROKERTEC USA, L.L.C. et al., C.A. No. 03-612 (KAJ) SUPPLEMENTAL ANSWERS AND OBJECTIONS TO PLAINTIFFS' FIRST SET OF INTERROGATORIES.

**APPENDIX C**  
**U.S. PATENTS**

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5,794,219	Brown	08/11/98
5,826,244	Huberman	10/20/98
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#### LITIGATION DOCUMENTS

eSPEED, Inc. et al. v. BROKERTEC USA, L.L.C. et al., C.A. No. 03-612(KAJ), ANSWERS AND OBJECTIONS TO PLAINTIFFS' SECOND SET OF INTERROGATORIES.

eSPEED, Inc. et al. v. BROKERTEC USA, L.L.C. et al., C.A. No. 03-612, COMPLAINT FOR PATENT INFRINGEMENT.

eSPEED, Inc. et al. v. BROKERTEC USA, L.L.C. et al., C.A. No. 03-612, PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION.

eSPEED, Inc. et al. v. BROKERTEC USA, L.L.C. et al., C.A. No. 03-612, PLAINTIFFS' OPENING BRIEF IN SUPPORT OF THEIR MOTION FOR PRELIMINARY INJUNCTION.

eSPEED, Inc. et al. v. BROKERTEC USA, L.L.C. et al., C.A. No. 03-612 DECLARATION OF HOWARD W. LUTNICK IN SUPPORT OF MOTION FOR PRELIMINARY INJUNCTION.

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No. 03-612 DECLARATION OF JOSEPH C. NOVIELLO IN SUPPORT OF MOTION  
FOR PRELIMINARY INJUNCTION.

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No. 03-612 PLAINTIFFS' FIRST SET OF EXPEDITED INTERROGATORIES  
ADDRESSED TO ALL DEFENDANTS.

eSPEED, Inc. et al. v. BROKERTEC USA, L.L.C. et al., C.A.  
No. 03-612 PLAINTIFFS' FIRST EXPEDITED REQUESTS FOR PRODUCTION OF  
DOCUMENTS AND THINGS ADDRESSED TO ALL DEFENDANTS.

eSPEED, Inc. et al. v. BROKERTEC USA, L.L.C. et al., C.A.  
No. 03-612 (KAJ) DEFENDANT BROKERTEC USA, L.L.C.'S FIRST REQUEST  
FOR PRODUCTION OF DOCUMENTS AND THINGS.

eSPEED, Inc. et al. v. BROKERTEC USA, L.L.C. et al., C.A.  
No. 03-612 (KAJ) DEFENDANT BROKERTEC USA, L.L.C.'S FIRST SET OF  
INTERROGATORIES TO PLAINTIFFS.

eSPEED, Inc. et al. v. BROKERTEC USA, L.L.C. et al., C.A.  
No. 03-612 (KAJ) DEFENDANT BROKERTEC USA, L.L.C.'S FIRST SET OF  
REQUESTS FOR ADMISSIONS.

eSPEED, Inc. et al. v. BROKERTEC USA, L.L.C. et al., C.A.  
No. 03-612 (KAJ) RESPONSES AND OBJECTIONS TO PLAINTIFFS' FIRST  
REQUESTS FOR PRODUCTION OF DOCUMENTS.

eSPEED, Inc. et al. v. BROKERTEC USA, L.L.C. et al., C.A.  
No. 03-612 (KAJ) ANSWERS AND OBJECTIONS TO PLAINTIFFS' FIRST SET  
OF INTERROGATORIES.

eSPEED, Inc. et al. v. BROKERTEC USA, L.L.C. et al., C.A.  
No. 03-612 (KAJ) PLAINTIFFS' FIRST SET OF REQUESTS FOR ADMISSIONS  
DIRECTED TO DEFENDANTS BROKERTEC USA, L.L.C.; GARBAN, LLC; ICAP  
PLC; OM AB; AND OM TECHNOLOGY (U.S.), INC.

eSPEED, Inc. et al. v. BROKERTEC USA, L.L.C. et al., C.A.  
No. 03-612 (KAJ) PLAINTIFFS' OBJECTIONS AND RESPONSES TO  
DEFENDANT BROKERTEC USA, L.L.C.'S FIRST SET OF INTERROGATORIES.

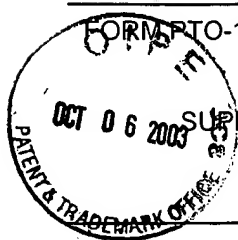
eSPEED, Inc. et al. v. BROKERTEC USA, L.L.C. et al., C.A.  
No. 03-612 (KAJ) PLAINTIFFS' RESPONSES AND OBJECTIONS TO

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ADMISSIONS.

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No. 03-612 (KAJ) SUPPLEMENTAL ANSWERS AND OBJECTIONS TO  
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No. 03-612 (KAJ) SUPPLEMENTAL RESPONSES TO PLAINTIFFS' FIRST SET  
OF REQUEST FOR ADMISSIONS.





FORM PTO-1449

U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICESUPPLEMENTAL INFORMATION DISCLOSURE  
STATEMENT BY APPLICANTSATTY. DOCKET NO.  
CF-007 ReAPPLICANTS  
Fraser et al.FILING DATE  
May 17, 2001APPLICATION  
NO. 09/859,661CONFIRMATION  
NO. 3933GROUP  
3622

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
			<b>APPENDIX B</b>			
	5,243,331	09/07/93	McCausland et al.	345	172	
			<b>APPENDIX C</b>			
	3,249,919	05/03/66	Scantlin	340	825.26	
	4,789,928	12/06/88	Fujisaki	705	37	
	4,799,156	01/17/89	Shavit et al.	705	26	
	5,077,665	12/31/91	Silverman et al.	705	37	
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	5,924,082	07/13/99	Silverman et al.	705	37	

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EXAMINER INITIAL	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
			<b>APPENDIX C</b>				
	0,416,482	03/13/91	EPO	G07F	7/10		
	0,512,702	11/11/92	EPO	G06F	15/21		
	WO 96/34356	10/31/96	PCT	G06F	17/60		

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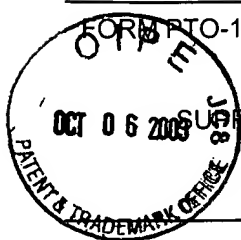
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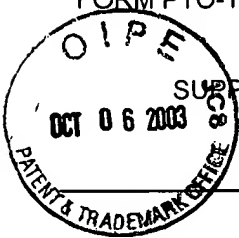
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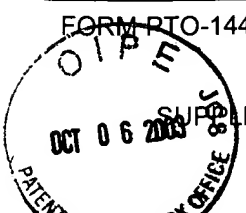
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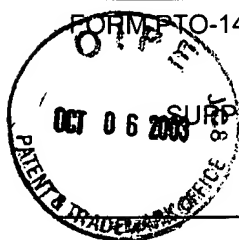
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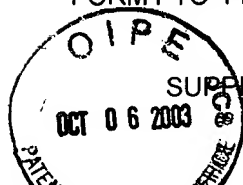
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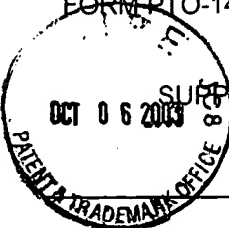
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EXAMINER INITIAL	
	<b>GROUP A</b>
	LIBERTY BROKERAGE INVESTMENT CORP., et al., v. CANTOR FITZGERALD, L.P., et al., C.A. No. 99-522 RRM COMPLAINT FOR DECLARATORY RELIEF

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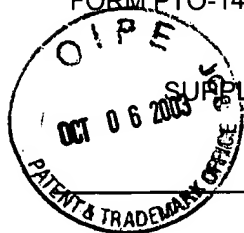
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	LIBERTY BROKERAGE INVESTMENT CORP., et al., v. CANTOR FITZGERALD, L.P., et al., C.A. No. 99-522 RRM STIPULATED ORDER OF DISMISSAL.
	<b>GROUP B</b>
	eSPEED, Inc. et al. v. BROKERTEC USA, L.L.C. et al., C.A. No. 03-612 (KAJ) ANSWER AND COUNTERCLAIM.
	eSPEED, Inc. et al. v. BROKERTEC USA, L.L.C. et al., C.A. No. 03-612 (KAJ) NOTICE OF SUBPOENA DUCES TECUM.
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	<b>GROUP C</b>
	eSPEED, Inc. et al. v. BROKERTEC USA, L.L.C. et al., C.A. No. 03-612(KAJ), ANSWERS AND OBJECTIONS TO PLAINTIFFS' SECOND SET OF INTERROGATORIES.
	eSPEED, Inc. et al. v. BROKERTEC USA, L.L.C. et al., C.A. No. 03-612, COMPLAINT FOR PATENT INFRINGEMENT.
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	eSPEED, Inc. et al. v. BROKERTEC USA, L.L.C. et al., C.A. No. 03-612 PLAINTIFFS' MOTION FOR EXPEDITED DISCOVERY.

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